

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 417 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 6-1.1-12.1-3, AS AMENDED BY P.L.90-2002,
- 4 SECTION 118, IS AMENDED TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) An applicant must provide a
- 6 statement of benefits to the designating body. If the designating body
- 7 requires information from the applicant for economic revitalization
- 8 area status for use in making its decision about whether to designate an
- 9 economic revitalization area, the applicant shall provide the completed
- 10 statement of benefits form to the designating body before the hearing
- 11 required by section 2.5(c) of this chapter. Otherwise, the statement of
- 12 benefits form must be submitted to the designating body before the
- 13 initiation of the redevelopment or rehabilitation for which the person
- 14 desires to claim a deduction under this chapter. The department of local
- 15 government finance shall prescribe a form for the statement of benefits.
- 16 The statement of benefits must include the following information:
- 17 (1) A description of the proposed redevelopment or rehabilitation.
- 18 (2) An estimate of the number of individuals who will be
- 19 employed or whose employment will be retained by the person as
- 20 a result of the redevelopment or rehabilitation and an estimate of
- 21 the annual salaries of these individuals.
- 22 (3) An estimate of the value of the redevelopment or
- 23 rehabilitation.
- 24 With the approval of the designating body, the statement of benefits

1 may be incorporated in a designation application. Notwithstanding any  
 2 other law, a statement of benefits is a public record that may be  
 3 inspected and copied under IC 5-14-3-3.

4 (b) The designating body must review the statement of benefits  
 5 required under subsection (a). The designating body shall determine  
 6 whether an area should be designated an economic revitalization area  
 7 or whether a deduction should be allowed, based on (and after it has  
 8 made) the following findings:

9 (1) Whether the estimate of the value of the redevelopment or  
 10 rehabilitation is reasonable for projects of that nature.

11 (2) Whether the estimate of the number of individuals who will be  
 12 employed or whose employment will be retained can be  
 13 reasonably expected to result from the proposed described  
 14 redevelopment or rehabilitation.

15 (3) Whether the estimate of the annual salaries of those  
 16 individuals who will be employed or whose employment will be  
 17 retained can be reasonably expected to result from the proposed  
 18 described redevelopment or rehabilitation.

19 (4) Whether any other benefits about which information was  
 20 requested are benefits that can be reasonably expected to result  
 21 from the proposed described redevelopment or rehabilitation.

22 (5) Whether the totality of benefits is sufficient to justify the  
 23 deduction.

24 A designating body may not designate an area an economic  
 25 revitalization area or approve a deduction unless the findings required  
 26 by this subsection are made in the affirmative.

27 (c) Except as provided in subsections (a) through (b), the owner of  
 28 property which is located in an economic revitalization area is entitled  
 29 to a deduction from the assessed value of the property. If the area is a  
 30 residentially distressed area, the period is not more than five (5) years.  
 31 For all other economic revitalization areas designated before July 1,  
 32 2000, the period is three (3), six (6), or ten (10) years. For all economic  
 33 revitalization areas designated after June 30, 2000, the period is the  
 34 number of years determined under subsection (d). The owner is entitled  
 35 to a deduction if:

36 (1) the property has been rehabilitated; or

37 (2) the property is located on real estate which has been  
 38 redeveloped.

39 The owner is entitled to the deduction for the first year, and any  
 40 successive year or years, in which an increase in assessed value  
 41 resulting from the rehabilitation or redevelopment occurs and for the  
 42 following years determined under subsection (d). However, property  
 43 owners who had an area designated an urban development area  
 44 pursuant to an application filed prior to January 1, 1979, are only  
 45 entitled to a deduction for a five (5) year period. In addition, property  
 46 owners who are entitled to a deduction under this chapter pursuant to

an application filed after December 31, 1978, and before January 1, 1986, are entitled to a deduction for a ten (10) year period.

(d) For an area designated as an economic revitalization area after June 30, 2000, that is not a residentially distressed area, the designating body shall determine the number of years for which the property owner is entitled to a deduction. However, the deduction may not be allowed for more than ten (10) years. This determination shall be made:

(1) as part of the resolution adopted under section 2.5 of this chapter; or

(2) by resolution adopted within sixty (60) days after receiving a copy of a property owner's certified deduction application from the county auditor. A certified copy of the resolution shall be sent to the county auditor who shall make the deduction as provided in section 5 of this chapter.

A determination about the number of years the deduction is allowed that is made under subdivision (1) is final and may not be changed by following the procedure under subdivision (2).

(e) Except for deductions related to redevelopment or rehabilitation of real property in a county containing a consolidated city or a deduction related to redevelopment or rehabilitation of real property initiated before December 31, 1987, in areas designated as economic revitalization areas before that date, a deduction for the redevelopment or rehabilitation of real property may not be approved for the following facilities:

(1) Private or commercial golf course.

(2) Country club.

(3) Massage parlor.

(4) Tennis club.

(5) Skating facility (including roller skating, skateboarding, or ice skating).

(6) Racquet sport facility (including any handball or racquetball court).

(7) Hot tub facility.

(8) Suntan facility.

(9) Racetrack.

(10) Any facility the primary purpose of which is:

(A) retail food and beverage service;

(B) automobile sales or service; or

(C) other retail;

unless the facility is located in an economic development target area established under section 7 of this chapter.

(11) Residential, unless:

(A) the facility is a multifamily facility that contains at least twenty percent (20%) of the units available for use by low and moderate income individuals;

(B) the facility is located in an economic development target

- 1 area established under section 7 of this chapter; or  
 2 (C) the area is designated as a residentially distressed area.  
 3 (12) A package liquor store that holds a liquor dealer's permit  
 4 under IC 7.1-3-10 or any other entity that is required to operate  
 5 under a license issued under IC 7.1. This subdivision does not  
 6 apply to an applicant that:  
 7 (A) was eligible for tax abatement under this chapter before  
 8 July 1, 1995; ~~or~~  
 9 (B) is described in IC 7.1-5-7-11; **or**  
 10 **(C) operates an entity under:**  
 11 **(i) a beer wholesaler's permit under IC 7.1-3-3;**  
 12 **(ii) a liquor wholesaler's permit under IC 7.1-3-8; or**  
 13 **(iii) a wine wholesaler's permit under IC 7.1-3-13;**  
 14 **for which the applicant claims a deduction under this**  
 15 **chapter.**  
 16 (f) This subsection applies only to a county having a population of  
 17 more than two hundred thousand (200,000) but less than three hundred  
 18 thousand (300,000). Notwithstanding subsection (e)(11), in a county  
 19 subject to this subsection a designating body may, before September 1,  
 20 2000, approve a deduction under this chapter for the redevelopment or  
 21 rehabilitation of real property consisting of residential facilities that are  
 22 located in unincorporated areas of the county if the designating body  
 23 makes a finding that the facilities are needed to serve any combination  
 24 of the following:  
 25 (1) Elderly persons who are predominately low-income or  
 26 moderate-income persons.  
 27 (2) Disabled persons.  
 28 A designating body may adopt an ordinance approving a deduction  
 29 under this subsection only one (1) time. This subsection expires  
 30 January 1, 2011."  
 31 Renumber all SECTIONS consecutively.  
 (Reference is to ESB 417 as printed April 2, 2003.)

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Representative Kuzman